

individual of Asian descent to serve on the Federal bench in Massachusetts.

Indira Talwani is a first-rate litigator with impressive credentials. Her unique professional and personal background will bring important perspective to the Federal bench in Massachusetts. I am proud to have recommended her to President Obama, and I have no doubt that she will have a long and distinguished career on as a member of the judiciary.

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

#### HIRE MORE HEROES ACT OF 2014— MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

##### ENERGY POLICY

Mr. HELLER. Mr. President, as has been discussed much this week, I believe our Nation needs a comprehensive energy policy that allows us to develop our own domestic resources and use existing resources more efficiently. The United States is blessed with an abundance of natural resources and we have to act to ensure an affordable, stable supply of energy needed to power our economy by developing them responsibly. Democrats and Republicans must work together to develop concrete policies that will lower prices, expand domestic production, and reduce our dependence on foreign sources of energy and minerals.

That is why the debate we are having in the Senate this week is so important. As a member of the Senate Energy and Natural Resources Committee, I have seen how much work has gone into the Energy Savings and Industrial Competitiveness Act so far and have enjoyed being part of that process. This committee also has oversight over many of the other important, responsible energy policies we have been debating this week. That is why I was disappointed to see a procedural step taken by the majority yesterday blocking consideration of any amendments—even amendments related to the very legislation we are considering today. I sincerely hope that prior to the cloture vote on this bill we can find a bipartisan path forward to vote on related amendments such as the Keystone XL Pipeline.

Earlier this week I filed two commonsense amendments that I hoped could be and would be included in the debate this week. These initiatives would expand renewable energy development across the West and put the brakes on job-killing regulations that threaten to drastically increase our constituents' electric bills at a time when middle-class families across this country have already been forced to tighten their belts. Both of these amendments are consistent with the

goals of the legislation before us today and are worthy of consideration, I believe, by this body.

My first amendment, No. 2987, mirrors legislation I introduced in the Senate last December, the Energy Consumers Relief Act. This initiative would help protect Americans from new billion-dollar EPA regulations that may increase energy prices and, of course, destroy jobs.

The United States, and especially my home State of Nevada, continues to grapple with high unemployment, with record numbers of Americans underemployed, and with families struggling to make ends meet. Instead of advocating for policies that would put people back to work, the Obama administration continues to develop rules that will increase Americans' utility costs, causing companies to lay off employees and stifle economic growth.

Just last month the EPA and the Army Corps of Engineers put forth a new rule that will significantly expand Federal regulatory authority under the Clean Water Act. This rule would have a chilling effect, particularly out West where our water resources are scant and hydropower plays a significant role in our energy portfolio. Just this week I visited with local irrigation managers and our rural electric cooperatives in my office, and they expressed strong concerns that the substantial regulatory costs associated with changes in jurisdiction and increased permitting requirements will result in bureaucratic barriers to economic growth, infrastructure development, and energy production.

These are the types of administrative actions Congress must rein in. My amendment would specifically require the EPA to be transparent when proposing and issuing energy-related regulations with an economic impact of \$1 billion or more. Additionally, it would prohibit the EPA from finalizing a rule if the Secretary of Energy, in consultation with other relevant agencies, determines the rule would cause significant adverse effects to the economy.

All we are talking about here is transparency and accountability. American taxpayers deserve nothing less from their government. It is important to note that this initiative passed the House with overwhelming bipartisan support last year. The Senate should do the same.

My second amendment, No. 2992, on which I teamed up with my friend from Montana, Senator JON TESTER, to craft, is an initiative we have been working on for many years. The Public Lands Renewable Energy Development Act is a strong bipartisan proposal that will help create jobs, progress towards energy independence, and preserve our Nation's natural wonders by spurring renewable energy development on public lands.

In Nevada we need jobs, not policies that make job creation more difficult. Energy is one of our State's greatest assets, and I believe continuing to de-

velop renewable and alternative sources are important for Nevada's economic future.

Geothermal and solar production in my State is an integral part of the United States's "all of the above" energy strategy. In fact, my home State of Nevada is often called the Saudi Arabia of geothermal. Our Nation's public lands can play a critical role in that mission, but uncertainty in the permitting process impedes or delays our ability to harness their renewable energy potential.

Under current law permits for wind and solar development are completed under the same process for other surface uses, such as pipelines, roads, or power lines. The public land management agencies need a permitting process tailored to the unique characteristics and impacts of renewable energy projects. This initiative develops a straightforward process that will drive investment towards the highest quality renewable sources.

In addition, the legislation establishes a revenue sharing mechanism that ensures a fair return for all. Since Federal lands are not taxable, State and local governments deserve a share of the revenues from the sales of energy production on public lands within their borders. These resources will help local governments deliver critical services and develop much-needed capital improvement projects, such as road maintenance, public safety, and law enforcement. Additionally, revenues will be utilized to support fish and wildlife conservation projects and to increase outdoor recreation, such as hunting, fishing, and hiking activities that serve as a critical economic engine in the rural parts of my State.

There is no doubt alternative sources of energy are a critical component of our "all of the above" energy future. While we work to develop and perfect alternative technologies, we need to secure our economy now by having an energy policy that respects the cause of the problem—supply and demand.

I hope the Senate can put partisan politics aside and have the opportunity to vote on related amendments to this bill—like those I have just discussed today. These strong bipartisan proposals will rein in harmful regulations and spur domestic energy production. Congress should take this opportunity to take a major step forward in implementing 21st century energy policies that will create jobs and keep consumer energy prices low.

I thank the Presiding Officer and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

##### REMEMBERING JIM OBERSTAR

Ms. KLOBUCHAR. Mr. President, I come to the Senate floor today to honor the life of a truly remarkable man—a devoted husband, a loving father and grandfather, a dedicated friend, and a true public servant. Jim

Oberstar was a man of purpose and grit who never stopped fighting for the people of his district, the people of northeastern Minnesota.

His resilience was the resilience of the people he represented. He was one of those rare people who was just as comfortable in the Aurora, MN, parade in khakis and tennis shoes as he was at the French Embassy. One unique thing about Jim Oberstar was that he always broke into French at a moment's notice, and he would literally speak French at the French Embassy and in Paris, but he might also speak French at the Aurora parade, even though no one else there spoke French.

Whether he was biking the Mesabi Trail or fishing on Sturgeon Lake or hanging out with some of his constituents at Tom & Jerry's Bar in Chisholm—which is where he grew up—he always loved northern Minnesota and the people he represented.

Jim never lost sight of where he came from or the values he grew up with. He knew that, among other things, his job in Washington was to be an advocate, and he approached every day with a fierce but disciplined urgency of purpose. What I loved most about him was that, in a day of sound bites and quick fixes, he was never afraid to give that long, long explanation of why he voted for something or why he thought it was important to his constituents.

As the Star Tribune noted this week, Jim was always a popular editorial guest and meetings with him were the “equivalent of a graduate school seminar.”

When I think about Jim, I first think—as someone whose roots are also in northern Minnesota, whose grandpa worked in the mines—about how he fought hard to keep the mines open when times were tough, back when things were bleak and people were hurting.

Like my own grandpa, Jim's dad was Slovenian, and he was proud of that. And Jim's dad, like my own grandpa, was also an underground miner. They were part of a generation of immigrants who toiled hundreds of feet underground day after day to mine the iron ore that built this Nation and kept the world free in World War II.

It was a hard, hard life—long days and treacherous conditions, their families living in fear of that dread whistle that meant another miner had been injured or killed. Jim knew that sound well because he lived through it.

So when Jim got to Congress, he fought tirelessly to not only keep the mines open but to protect the rights of the workers and to improve safety.

During his first years in the House, Jim pushed for legislation that created the Mine Safety and Health Administration. Today, thanks to the hard work of Congressman Jim Oberstar, mining conditions have greatly improved.

That was bread-and-butter legislation for Jim—straightforward, com-

monsense policies that made people's lives better. It sounds simple, but we know in Washington today there are too many people who would rather score political points than get down to the hard work of governing. Not Jim Oberstar. He was a man of conviction.

In a business known for rewarding the expedient over the noble, he lived a life of principle. He played the long game, and he did it on behalf of the American people. That is a great American, and that is a legacy worth celebrating.

We lost Jim suddenly this week in the middle of the night in his sleep. The day before he had spent the day with his grandkids. He had gone to one of his grandchildren's plays. He had been going on long bike rides.

Even after he lost his election in 2010, he never let it get him down. He took all that energy and zest for life and put it into his family, put it into the continuing work he did on transportation, put it into his friends and everything he loved to do.

We mourned him today, but we also celebrated the incredible gifts Jim gave to our country. It is awe-inspiring to think about how much time he spent mastering Federal transportation policy: 47 years—nearly five decades—11 as a staff member on the House Transportation and Infrastructure Committee and 36 as an elected representative. During that time he literally changed the landscape of Minnesota and the country. His fingerprints can be found on just about every major federally funded transportation project during the last five decades—roads, bridges, tunnels, rails, locks and dams, and bike paths.

Jim loved bike paths. He was a visionary. He was in front of everyone on that. He would try to get money for bike paths, and people would laugh at him: Bike paths? Who cares about bike paths?

Now everyone wants bike paths. Everyone wants bike paths in their communities.

Every American who flies in an airplane or drives on our Federal highways can thank Jim Oberstar. Every American who bikes their bike trails and hikes places such as the beautiful Lake Superior Trail in northern Minnesota or drives on our national highways and bridges should remember him.

He was a treasure trove of facts, figures, and advice for every Member of Congress. He always used to kind of poke fun at the Senate because he claimed things came here and didn't get done. He would always say: All that ever happens in the Senate is you ratify treaties and confirm judges.

One day, close to my own election, I was looking at the newspaper clips and I saw my name next to Jim saying that and I thought: Oh no, what has he said.

It was in the International Falls paper, and I got it out and he had said: Well, all the Senate ever does is confirm judges and ratify treaties, but

AMY is going to try to rescue this bill. She will try to get it done.

I was quite relieved.

One of the most memorable stories for me came on his last day in the House when Members came and told stories about him. There was a Congressman from Pennsylvania who talked about the time Jim visited his district to celebrate the opening of a new bridge. He said that Jim stood up with no notes and recited in incredible detail almost every infrastructure project that had ever been built in that district, along with the name of every Congressman who had ever served in the district, with all the right pronunciations, and he even included their middle initials. He did it with no notes. The Congressman was in awe. He walked back to his office, started looking back through the records and Googling things, and it was no surprise to anyone that Jim was exactly right. That was Jim.

He loved politics. He thought of government as an honorable profession, and he was so proud of the people who followed in his footsteps, whether what he taught Senator FRANKEN and me as we started representing Minnesota or one of his favorites, the mayor of Duluth, Don Ness, who started working with him when he was 23 years old as a young aide or whether it was all the staff members who worked for him all those years. He was so proud of the people he taught, the people he mentored. He was so proud of the Members in Congress—Democrats and Republicans—with whom he worked. He would so often work to get amendments and get little projects for their districts, and then he would let them take the credit when they went home.

I wish to end today with something Jim said in his farewell speech to Congress. He was reflecting on why he had originally run for office, and this is what he said:

[The reason] why I came is to serve the people, to meet the needs of their respective families, and to leave this district, leave this House, leave this nation a better place than I found it.

There is no question that Jim Oberstar left this world better than he found it. Through his incredible legacy of public service, he found immortality in the beautiful children and grandchildren who were and are his family. He has left the world a better place. The youngest one, a little baby we met today at the funeral, was recently adopted, and Jim's daughter named him “Jim.”

He left the world so much. He not only taught us how to win elections because he knew how to do that, he also taught us how to act and what to do when you lose an election.

He has found immortality in the hearts of those who knew him and the lives of countless more who never will, in the majestic grandeur of stately bridges and in the cool shadows of quiet bike paths, in the hardhats hanging in the lockers of hard-working miners who go home safely at the end of

the day. That is where you will find Jim Oberstar. That is where his legacy lives on.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. I thank Senator KLOBUCHAR for her moving tribute to Jim Oberstar. We both had the honor of speaking today at his funeral. We were both honored by his wife Jean and by his family.

Jim served the Eighth District for 36 years as their Representative. He served it for 11 years before that as a staffer on the Hill, as Senator KLOBUCHAR said. As she said, he died last weekend in his sleep. I think Senator KLOBUCHAR told me that the family said he wasn't 99 percent, he was 100 percent. So this came as a shock to all of us who knew Jim, and it obviously deeply saddened us all.

I announced for the Senate in February of 2007, and a few days later I had my first public event where I took questions from folks. This was at a coffee shop in St. James, MN, in the southwest corner of our State, in the First District.

The first question I got was from a woman asking if I believed there should be term limits. From the way she asked it, I knew she thought there should be term limits, and I thought: Great. My very first question and I don't agree with the person who is asking it.

So I said: No, I don't believe in term limits, and let me tell you why—Jim Oberstar. Jim has been Congressman for the Eighth District for 33 years now, and he is chairman of the House Transportation and Infrastructure Committee, and he knows more about transportation than anybody else in the country.

Everybody in the coffee shop, including the woman, kind of went, yes—they nodded—yes, that makes sense.

Jim was a walking advertisement against term limits. He was the consummate public servant, and it was all because he was a man who sought knowledge. He had a fierce curiosity about the world and an intense need to understand how it worked. All that enabled him to accomplish so much.

If Jim were here today, if he had one more chance to speak to all of us, first he would say how much he loved his family and his friends and the people who worked for him. Then he would tell us the history of American infrastructure, starting with the Erie Canal and how it opened Midwestern agriculture to Europe because, he would explain, it was 97 percent more efficient to ship those goods over water, down the Hudson and over to Europe, than before. He would tell us how the Erie Canal made New York Harbor, New York City, made it what it is today. Then he would take us through the transcontinental railroad, rural electrification, the Interstate Highway System, and all the way to rural broadband. Then he would go back to

the Roman aqueducts, which were built by slave labor, and make an impassioned speech about the history of the labor movement. Jim sometimes had a tendency to go too long, but it was because he believed that everyone was as curious about the world as he was, and he was almost always wrong about that.

I once had the opportunity to speak before Jim at the naming ceremony for the James Oberstar Riverfront Complex, the headquarters for the Voyageurs National Park in northern Minnesota. Since I was speaking before him, I took the opportunity to predict what Jim would talk about. I said that he would tell us the legislative history of Voyageurs National Park; he would tell us about all the different streams of funding for the park; he would tell us the history of the French voyageurs, the first White men in Minnesota; and that during part of the speech, Jim would speak in startlingly fluent French. Everyone laughed, including Jim, but that didn't stop Jim from telling us the legislative history of the park, all the different funding streams, and all about the voyageurs—and that part in French—and delighting in every word of it.

The first time I ever saw him chair, I went over to the House to see him chair a committee on high-speed rail. He had witnesses from China, Japan, France, and some other European country. When it was time for him to do his questioning, I learned that Jim had piloted every one of those high-speed rail systems. Of course, when he questioned the French witness he did it in French, and it was a tour de force—which I believe is French.

Jim understood the importance of infrastructure to our economy, to economic development, and, as Amy was saying, for recreation. His legacy will be in the ports, locks, dams, highways, bridges, and water systems throughout our country, but it will also be in the bike paths in Minnesota and around the country.

Jim was an avid bike rider. He used to say he wanted to turn our transportation system—the fuel—from hydrocarbons to carbohydrates.

Jim will leave a legacy, and, as I said, it all came from Jim's thirst for knowledge. The pages are here, and I would urge them to thirst for knowledge, not just information. Some people in this town—and in other places too—just look for enough information to achieve some short-term goal. Jim sought knowledge, an understanding of how things work. Because of that, he was able to get things done and was respected by all of his colleagues on both sides of the aisle. Amy and I were both there the day that colleagues in the House paid tribute to him, and it was both sides of the aisle equally.

We had a retirement tribute for Jim in Duluth in 2011, and Don Ness, the mayor of Duluth—about whom Amy spoke briefly and who was at the service today—told a story at that tribute

that says everything about Jim as a guy.

Don was 23 years old, and he had just been hired to be Jim's campaign manager. Don's first thing to do with him was the Fourth of July parades. The Fourth of July parades on the Iron Range are a big deal, and there are a lot of them. There were six of them in 24 hours. This was his big chance to impress his new boss, and he screwed up every bit of it.

The first thing he did was he was so obsessed with making arrangements that he forgot to make his own hotel reservation on the Range. Don lived in Duluth. So he drove around the Range to get a room until 1:30 in the morning. He found one in Virginia, MN. He overslept and had to drive to Chisholm, and he was late. So he picked up Jim, and to make up the time, he drove fast and, of course, he got pulled over and got a ticket, which made them really late for this parade, and they got put at the end, behind the horses, on a very hot, sweltering day.

All during the day, Donnie made one screw-up after another. He offended a local DFL activist. He lost Jim for about a half hour. Jim knew where he was, but he didn't know where Jim was. He left this black car parked directly in the sun during the parade, and it became—well, you know what that means.

Thankfully, after the fifth parade, there was going to be a 3-hour break and they were going to drive to somebody's house where they would be able to eat and get in the air-conditioning and relax. Donnie decided to put the signs in the trunk, and as he was doing it, as he was closing it, he saw the keys in the car, locked in the car, and it took them 90 minutes to find someone who could open the car, so they lost their break.

Donnie was a 23-year-old kid, and he was certain he was going to be fired. He felt he deserved to be fired. Jim had been calm with him all day, been nice to him all day, but he figured Jim was stuck with him until the end of the day and at the end of the day he would be fired. He drives Jim home to Chisholm. It is 9 at night now. They get out of the car, and he starts to apologize and says: I blew it today. I know this was my chance, and I have blown it, and I will never be in public service.

This guy is now—what term is he in now, Amy? His third? Yes, his third term as mayor of Duluth. What did he get, 87 percent, or something like that?

But Jim stopped him and wouldn't let him finish. He stopped him and he said: I am really proud of you. You had a tough day. We had a tough day. You had a lot of adversity. You had a lot of things to overcome and you never lost your head, which was really not true; Donnie was panicking the entire time, which is probably why Donnie made those mistakes.

But then he gave Don a big hug—that big Jim bear hug that so many people talked about today. Then Don carried a

bag for Jim, and Jim one, too, up to the front porch, and Jim said, before Don went back to the car: I am proud of you. Don't worry about today. I am proud of you.

Don went back to the car, got in, with his head swimming, and he couldn't believe the kindness, the warmth. As he started to back out, he looked back and Jim was still on the porch, and he gave him this big wave and said: Happy Independence Day.

Minnesota lost a giant, the United States lost a giant this week, but we also lost a good guy. He was a great guy—a great man and a good guy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MOVING FORWARD

Mr. REID. Mr. President, I hope my Republican colleagues will think long and hard the next few days. We have made some progress this year—it has been limited but some progress—in passing a few bipartisan bills. We started with the Murray-Ryan budget, which was significant, and we were able to get that done. We were able to get the debt ceiling raised without the struggle we have had the last 5 years. We were able to pass an Omnibus spending bill, which is significantly important. We worked together to pass a childcare development block grant bill. And after four or five attempts to end a filibuster, which we were unable to do, but finally we were able to do that, we got five stalwart Republicans to join with us and we passed the unemployment extension benefits.

Today, we have before us the Shaheen-Portman energy efficiency bill, creating 200,000 jobs. It is a fine piece of legislation. It started out good, but it got better as the bill's sponsors worked together to incorporate 10 Republican amendments, joined by some Democrats, and it is a better bill now than it has ever been.

My Republican colleagues, for more than a year, have been asking: Please let us vote again on Keystone. I personally oppose Keystone. I think it is really bad to make oil out of the most dirty carbon stuff there is, to ship it clear across the United States, and then to ship it overseas, which is what they would like to do. I oppose that. But if Republicans think it would help get energy efficiency passed, let's vote on it, and that is what I have told everybody.

If they want a vote on Keystone, that was the agreement they made, let us have a vote on Keystone, and then let the bill that was sponsored by 14 Democrats and Republicans—7 of each—to move forward. I want to be very clear with my Republican colleagues. The

Keystone vote is on the table if they will simply stand by the agreement they had a week ago with me. All it would do is to allow the Senate to move forward with a bipartisan energy efficiency bill.

The Republicans have stated and stated and stated they want a vote on Keystone. Good, let's take a vote on Keystone. Can't they take yes for an answer? The answer is: No.

We are involved in this shell game. If seven of my Democrats made an agreement with the Republican leader, I think it would be untoward of me to go to those Democratic Senators and say—for base politics—drop the approval of what you believe in.

We have been through this before. There is no better example of that than the Transportation appropriations bill led by Chairman MURRAY and Ranking Member COLLINS. They worked so hard on that—lots of work they did on it. Amendments were offered. But do you know what happened? The Republican leader said: We are not going to pass that, and we didn't. That is when Ranking Member COLLINS said: I have never known—I am paraphrasing, but this isn't far from an exact quote—I have never known a leader to work so hard against one of their own.

All we are asking is for Republicans to drop their filibuster of this bipartisan bill sponsored by 14 Democrats and Republicans. The bill is supported by the Chamber of Commerce, the Business Roundtable, the National Association of Manufacturers, and many others.

Sadly, the Republican leader has said, in effect, if he can't get everything he wants—and right now that is a moving target—the Republicans who worked on this bill are out of luck. This is not the spirit of compromise in which this body is supposed to operate, but unfortunately it is what we hear all too often from my friend the Republican leader—nothing but endless obstruction and gridlock.

I know many Republicans are unhappy with the way things have been going. They talk to me. I am sure part of it is just to get this off their chest, but they want to change things around here. My message to them is: The only thing standing in the way of our moving forward on energy efficiency or other bipartisan legislation is to move forward on it. And if Keystone is the object of what they want done, let's get it done.

I hope my Republican colleagues will think hard in the coming days about the right thing to do. Do they want to continue waging obstruction, as we have seen on minimum wage and on pay equity? We know the right answer is that we should move forward, and I hope in the days ahead we will come together. It is really for the American people.

Mr. President, it is my understanding the motion to proceed to H.R. 3474 is now pending.

The PRESIDING OFFICER. That is correct.

#### CLOTURE MOTION

Mr. REID. There is a cloture motion I have brought to the desk and I ask the Presiding Officer of the Senate to report that.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 332, H.R. 3474, an act to amend the Internal Revenue Code of 1986 to allow employers to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of the employer mandate under the Patient Protection and Affordable Care Act.

Harry Reid, Ron Wyden, Robert Menendez, Patty Murray, Barbara Boxer, Jon Tester, Debbie Stabenow, Maria Cantwell, Bill Nelson, Thomas R. Carper, Patrick J. Leahy, Brian Schatz, Mark R. Warner, Charles E. Schumer, John D. Rockefeller IV, Benjamin L. Cardin, Martin Heinrich.

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AFFORDABLE CARE ACT

Mr. MURPHY. Mr. President, there was a fairly remarkable hearing in the House of Representatives yesterday in the Energy and Commerce Committee, upon which I used to sit when I was there. It called together some of the Nation's biggest insurers to talk about the failures of the Affordable Care Act as seen through the lens of the insurance companies.

First up on the docket for Republicans was the claim that no one had paid their premiums, that people had signed up for plans, but a report which had been released by the Energy and Commerce Committee in the House suggested in fact only maybe about 60 percent of them actually paid their premiums.

So they asked representatives from WellPoint, Aetna, and other insurance companies to confirm that fact, and of course they did not. WellPoint said, in fact, 90 percent of the people who signed up for WellPoint plans—the biggest insurer through the Affordable Care Act—have paid their premiums. Aetna said the number for them is somewhere in the low to mid-80s. Both numbers are actually representative of what people in the non-Affordable Care Act market pay with respect to their premiums.

When we dig deeper into the Energy and Commerce report, we found out the

reason they suggested that only about 60 percent of the people had paid their premiums is because most people's premiums hadn't been due yet. They didn't have to pay them when they had signed up for the plans in February and March.

So they tried another tactic. They said: We have heard all these reports and news media representations that you are going to be increasing premiums next year by double digits.

The insurers said: No, we have no idea what our premiums are going to be next year. We don't have the data yet. In fact, we are starting to get the subsidies coming into our plans that help keep these premiums affordable for low- and middle-class individuals across the country.

It turned out to be an absolute disaster for Republicans on the Energy and Commerce Committee because, as the insurers also pointed out, their profits have done pretty well, their stock prices have done pretty well over the past several years, because the Affordable Care Act is working for patients and, as it turns out, for the insurance companies that have offered plans on the exchanges.

It is representative of a whole litany of complaints Republicans have registered with respect to the Affordable Care Act's horror stories and worst-case scenarios which have simply not come true. I will take a few minutes to run through each of these arguments because I think it is important to have some context to understand that each one of their representations has not come true. Thus, as they turn to their next series of representations or challenges to the act, I think we can look back on history as a pretty good predictor of the future when it comes to Republicans' ability to prognosticate about an Affordable Care Act which is working now for millions of Americans.

The first thing they said is nobody is going to enroll. They said the Web site was unfixable. Of course we know that is the easiest to debunk now that we have 8 million people who have enrolled through the private exchanges and another 4 million to 6 million people who have enrolled via Medicaid expansion, and 3 million young adults who are now on their parents' plan. In fact, enrollment far outpaced what initial expectations were and beat the CBO estimates by 2 million people.

So clearly Republicans were wrong when they said nobody would sign up for the Affordable Care Act. They were also wrong when they said the Web site couldn't be fixed. There is no excuse for what happened in the fall of last year on the Web site, but it got up and running. Once it did, people were able to get on in record numbers.

They said the Affordable Care Act was going to kill jobs. We have done nothing but add jobs by the millions since the Affordable Care Act was passed. There is a chart, which I don't have on the floor, that shows what has happened since the Affordable Care Act

went into law: Job growth has continued unabated.

Specifically, Republicans said: It is going to result in people who were working full time to move to part-time work. The Congressional Budget Office in a report which came out about 2 months ago said there is absolutely no economic evidence to suggest full-time work is shifting to part-time work. That is not a trend actually happening in the economy. I understand there are anecdotes and stories which are true where employers have made that choice, but there is no broader economic evidence that there is a shift from full-time work to part-time work.

Republicans said it is going to cost too much. Sylvia Burwell was before the HELP Committee today, and she was very articulate in explaining the simple fact that the Congressional Budget Office has revised downward Federal health care expenditures by \$900 billion over the 10-year period from the passage of the Affordable Care Act to a decade later. We are going to be spending \$900 billion less than the CBO initially thought we would, in large part because of all the wellness, prevention, and pay-for-performance measures built into the Affordable Care Act.

Premiums are lower than expected on these exchanges, which saves \$5 billion in and of itself. The overall cost of the bill is 17 percent lower than what CBO initially estimated—huge savings for the Federal budget and for the specific line items within the Federal health care act.

OK. Fine, they said, but young people aren't going to sign up. It is ultimately going to be older, sicker people, and you will not have the right mix.

I think I said WellPoint was the biggest insurer. It is in fact the second biggest insurer. They said the average age of enrollment has come down every single day in a meaningful fashion. The risk pool and the product selection seem to be coming in the manner we had hoped. It is very encouraging right now.

Big companies such as United are going to be offering new plans on exchanges similar to those in Connecticut because they as well see the risk pools are exactly as they had hoped.

But the uninsured will not sign up. This is just people who were insured shifting to other plans which are perhaps better or cheaper for them—bunk as well. The new Gallup survey, which is the best data we have on the number of people who have or don't have insurance in this country, shows remarkable decreases over the last two quarters in the number of uninsured people in this country—frankly, numbers which almost seem too good to be true—a 25-percent reduction in 6 months' time with respect to the number of people without insurance in this country. One-quarter of the Nation's uninsured are now insured in the first 6 months of the full implementation of the Affordable Care Act.

Lastly, one of the biggest red herrings in this debate has been the issue of cancellations. No doubt there have been hundreds of thousands of plans all across the country that have been canceled since the Affordable Care Act was put into place, but Health Affairs, one of the most respected, nonpartisan health journals in the country, did an article, I believe a couple weeks ago, which said there is absolutely nothing different about the number of cancellations which happened in the wake of the implementation of the act as compared to what had happened in that same period before the implementation of the act; that there is high turnover in the individual market.

While there are certainly some plans which were canceled by insurers because they didn't meet the requirements of the Affordable Care Act, there wasn't a surge in cancellations compared with the number of cancellations which happened prior to the act.

So if we just go through—whether it is the claim that no one is paying their premiums or that rates are going to go up or that nobody will enroll, that it will kill jobs, that it will cost too much or that young people will not sign up or that the uninsured will not sign up or that cancellations are higher than normal—every single one of these claims turns out to be wrong.

That is not to say this act and its implementation hasn't been without its significant warts. There are flaws in the bill. There have been big bumps in implementation, but the fact is that polls are starting to show a growing acceptance and approval of the law amongst the American public because they have listened to these claims that the sky is going to fall from Republicans, and not only has the sky not fallen, but 15 million or so people across this country have more affordable health care because of the Affordable Care Act. The uninsurance rate in this Nation has dropped by 25 percent. Taxpayers are saving \$900 billion over the course of the 10-year period following the passage of the bill.

I haven't even gotten into the quality metrics. Rates of hospital-acquired infections are down. The number of people who are readmitted to the hospital after a complicated surgery is dramatically down.

This is why we passed the Affordable Care Act. It hasn't lived up to everyone's expectation, but to the extent that the goal of the act was to reduce the number of people who are uninsured in this country, lower the rate of growth of health care expenditures, and increase quality, the data coming in on a day-by-day basis is overwhelming and impossible to ignore. More people have insurance, cost is coming down, and quality is getting better.

At some point the facts have to matter. As former Senator Moynihan said: Everybody is entitled to their own opinion, but you don't get to have your own set of facts.

Taxpayers, the uninsured, consumers of all stripes understand what the true story is; that all of the Republican prognostications about the failure of the Affordable Care Act have not come true in the past and they are not likely to come true in the future.

There is a lot of work to do to continue to make the Affordable Care Act better, and I hope every Senator is ready to do that work, but the data and the numbers tell us that increasingly, on a day-by-day basis, the Affordable Care Act works.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARKEY). The clerk will call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HEALTH CARE

Mr. BARRASSO. Mr. President, I come to the floor this afternoon to talk about the health care law. I have visited with people in my home State of Wyoming and people from around the country who come to Washington, and many of them want to talk about the health care law and the side effects of the health care law. They want to talk about the health care law that the Democrats voted for unanimously in this body and Democrats on the other side of this building voted for overwhelmingly.

A little earlier today, one of my colleagues who is a supporter of the law came to the floor to say it is working and everything is great.

I am here to say it is not and to dispute some of the comments made by my colleague because I am hearing from people whose care has been affected. Their lives have been affected, the ability to keep their doctor has been affected, and the cost of their care and the cost of their insurance has gone up. Many have had their insurance canceled all because of the health care law.

One of the things the President promised the American people with the health care law—he said it would lower the cost of care, and people's premiums would go down \$2,500 per family. He said he wanted to go after this because health care spending was too high in the country, and the spending was going up. Yet we had a colleague say that the health care law is a success.

On May 5, just a few days ago, USA Today had a headline that said "Health Spending Up Most Since '80." Health spending is up. The President said it was going to go down because of his law, but it is up the most since 1980.

The article says:

Health care spending rose at the fastest pace since 1980 during the first three months of the year . . .

They say that "Health care spending climbed at a 9.9% annual rate last quarter"—almost 10 percent. That is not what President Obama told the American people would happen.

I would point out that this is a drastic increase in spending when the health care law was supposed to do just the opposite.

The Bureau of Economic Analysis reports higher spending in hospitals—the largest rise since the 1980's third-quarter. It is astonishing when the President promises the American people one thing and delivers another.

In this same Monday USA Today there is a Pew Research Center poll which is interesting. When you read about this, it says:

The poll of 1,501 adults, including 1,162 registered voters, was taken April 23-27 . . . Other findings help explain the Democrats' woes. By more than 2-1, Americans are dissatisfied with the direction of the country. They remain downbeat about the economy. They aren't persuaded that the Affordable Care Act is going to help them and their families. Even the president's supporters worry he is a political liability for fellow Democrats.

I come to the floor today as a doctor who has taken care of patients for 25 years in Wyoming, and my concern with health care is actually "care." The President became fixated, as did the Democrats, on the word "coverage." Coverage doesn't actually make sure that people get the care they need from a doctor they choose at a lower cost. That is what people wanted with the health care law. They don't want what was pushed down their throats by the Democrats in the House and the Senate who said they knew better than the American people.

I find it fascinating to see that in States run by Democrats around the country—Maryland, Oregon, and Massachusetts—which have had the exchanges and have given up. They have said, no, our State exchanges don't work and can't work. Massachusetts has been in play for a number of years, and they had to shut it down and turn it over to the Federal Government because of the mandates and complexities of the health care law—hundreds of millions of dollars that should have gone to care for people. It should have gone to help people. Instead it has gone to consultants and computer companies. It is not helping people. It is wasted.

Massachusetts, Oregon, and Maryland have given up. They said: We can't even live under this health care law's mandates. Our computer systems don't work. So let's turn it over to Washington. The American people are fed up with turning things over to Washington.

It was interesting to hear my colleague from Connecticut talk about some of the concerns and stories that we are sharing with the American people about folks losing their jobs, part of their pay, and bringing home smaller paychecks as a result of fewer hours at work.

I would like to share a situation that is now happening in Iowa. It was reported a couple of weeks ago in the Ottumwa Courier. Iowa is a State where we have a Democratic Senator

from Iowa who is a very active supporter of the health care law. He was on the floor day after day about how wonderful this health care law was during the debate.

Let's talk about what is happening in one community in that Senator's home State in Eddyville. It says:

Faced with a nearly \$138,000 increase in insurance costs the Eddyville-Blakesburg-Fremont School Board—

We are not talking about a business here; we are talking about a community school board—

this week approved reducing the hours of all para-educators from about 37 to just 29 hours per week to avoid the requirements of the National Health Care Act.

That is a side effect of the Obama health care law that every Democrat in this Chamber voted for when that came up for a vote.

So they had some meetings.

The article goes on and says:

In February, Superintendent Dean Cook recommended cutting 12 special education para-educators and three more working as librarians.

My colleague from Connecticut said none of this is happening and that these are just incidental stories; don't pay attention to them.

The article goes on to say:

However, this week his recommendation instead was a choice of either cutting eight para-educators or to reduce the hours of all of para-educators (around 25 to 28 employees), for the 2013-14 school year.

One of the board members "opted to reduce hours instead of cutting jobs." This is a tough situation to put a school board in—reducing hours and cutting jobs.

The board member noted:

It just gets pretty tight when we have cut paras in the past. Those people play key roles in running the schools.

The article goes on:

In fact, several teachers spoke to or wrote letters to the board, providing a detailed account of the jobs that para-educators perform, urging the board not to cut these positions.

The article quotes one of the members of the board, Gay Murphy, who said: "I feel very frustrated that our hands are tied with the health care act." Fascinating. The board member has the same last name as the Senator who was down here on the floor saying: Oh, no; pay no attention to these important stories.

The article goes on to say that Gay Murphy "asked that employees' hours be cut by working less days instead of less hours per day"—but still cut the hours under the President's health care law—"so it would be easier for employees to get a second job if needed."

The President's health care law is cutting people's hours, and they are trying to find ways to make it easier for them to get a second job because their paychecks are being cut. Their take-home pay is being cut because of this health care law.

One other board member "noted that quality employees may not stick



around for a 29-hour per week job and that special education students have a need for more consistency that comes with full-time employees."

This is a sad story, and it is happening in communities all across the country. I think it is not a surprise that Republicans continue to come to the floor to say there are huge side effects of the health care law, and for some people who may have been helped by the law, many people are being hurt, and it is happening all across the country.

That is why when I heard my colleague mention on the floor that people are getting used to it or there is an acceptance of the health care law, I would just point out an article in the *Washington Post*:

Poll: Obamacare hits new low.

A new poll shows the public's opposition to Obamacare has never been higher.

The Pew Research Center poll shows disapproval of the law hitting a new high of 55 percent. It comes on the heels of several polls last week that showed the law had very little, if any, bump after signups on the health care exchanges exceeded the goals.

So here we are, an all-time low for approval of a health care law, and the reason is because people's lives have been impacted. They have been hurt by this health care law. There are side effects of the law. People who were promised they would be able to keep the coverage they had—millions lost that coverage. They were told they could keep their doctor if they wanted to keep their doctor, and many Americans lost their doctor. They were told the cost of their insurance would go down and it has instead gone up. They are paying higher premiums, higher deductibles, and now people's paychecks are shrinking and their take-home pay is less because of a health care law that remains very unpopular.

That is why I felt compelled to come to the floor to point out to the American people, and to this body, that comments made previously by a colleague were not, at least in my opinion, based on what I have seen, heard, and read, consistent with the real impacts of this health care law and the impacts on patients, on providers, and on taxpayers.

Thank you, Mr. President. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY EFFICIENCY

Mr. TOOMEY. Mr. President, we are considering the Shaheen-Portman energy efficiency bill. That is what I believe this legislation is called. I think

we went on the bill on Monday. Here it is late Thursday afternoon, and it is amazing that we haven't had a debate or a vote on a single amendment in 3 days. Now we are finished for the week so we are not going to have any debate on any amendments or any votes tomorrow either. We are going to go the whole week without having been able to seriously consider the merits or problems with this bill, without being able to offer any ideas to improve or to change the underlying text. It is unbelievable. But this is what has become routine in the Senate.

I have offered four amendments. I filed four amendments I wish to debate. I would like to have a vote on. I have cosponsored four other amendments my colleagues have filed. I think, altogether, Republicans have drafted and filed dozens of amendments; I don't know exactly how many—there are dozens—in part because we haven't considered an Energy bill in this Chamber in 7 years. Things change in 7 years. Lots of things change. After 7 years of not having a debate over energy policy in America—something that is so basic to our economy, so important to every single family, every single business, everyone—it might be a good idea to have a debate and to offer some amendments, to have a discussion and have some votes. But that is not the way the Senate functions. We can't do it. The majority party, the majority leader, will not allow us to have amendments.

This isn't terribly recent. Over the last 10 months, since July of last summer, the majority leader has permitted Republicans to have a grand total of 8 amendment votes—8 votes in 10 months. The Senate is virtually shut down. That is what has happened. It just so happens that during that same period of time, the House Republicans, who are in control of the House, permitted the minority party to have 136 votes. Of course, the irony is it is the House that has historically always operated under a kind of martial law approach where the majority party dictates all terms—always has. But during that 10-month period, they have had 136 votes permitted to the minority party and we have had 8, and none on this Energy bill. None. Not one.

I truly don't understand why the majority party is so afraid of votes. What is so horrifying about casting a vote on an amendment? But, apparently, that is the case.

I will speak briefly about two of the amendments I have filed that I would like to have a vote on. I am not asking for an outcome, by the way. I accept that. I don't have any right to expect any particular outcome, but I don't understand why we can't have a discussion, why we can't have the debate, why we can't have the vote. By the way, Thursday afternoon, by now, we could have processed dozens of amendments. Actually, Republicans, in the end, all we wanted was a handful.

I filed amendment No. 3037. It would prohibit the Department of Energy

from issuing new energy efficiency mandates on residential boilers. It is not very complicated. It is not the end of the world one way or the other, but on the margins, I think this matters a little bit to families.

I will tell my colleagues why. We all have residential boilers. These are our hot water heaters. We have them in our basements. We use them to heat water, to heat our house, in some cases, and to heat our water so we can take a hot shower. This is pretty common. We all have them.

The Department of Energy is in their periodic process of reviewing the mandates they impose on the energy efficiency standards for the boilers. The only consideration in this review process is whether they will make the mandates more stringent than they are today, make them adhere to a tougher standard than the standard they are forced to adhere to today.

Well, I think it would be better not to change the standard. That is my opinion. The reason I hold that view is because the problem with a more stringent energy efficiency requirement on these hot water heaters is it makes them more expensive. It doesn't matter much for really wealthy people, but for a middle-income family or a low-income family, it raises the cost of their home. It raises the cost of replacing a hot water heater. There are a lot of folks who can't afford to have an unnecessary additional cost added to them.

By the way, I don't think we need to force consumers to conserve energy. Everybody has an incentive to conserve energy, because energy is not free. So people are perfectly happy to pay a little more for more energy efficiency for a product if they can recoup that added cost in the form of a lower energy bill over time. People get that. They will make that decision. They will do it voluntarily. In fact, the only reason we need to mandate standards is if we want to force consumers to pay bigger premiums than they can recoup. If we only want them to pay for what they can save in the future, they do it voluntarily.

So, to me, this is one of those annoying little government mandates that is not necessary, and it reduces consumers' choices and raises their costs, and I don't think it is a good idea, especially now during difficult economic times when median wages have been declining, not rising. I don't think it is a good idea for the government to impose a new cost such as this. So I have an amendment that would forbid the Department of Energy from ratcheting up the cost of an appliance we all have in our homes.

I get the fact that not everybody agrees with me. That is fine. Some people do want to impose this added cost for their own reasons, and that is fine. What I don't understand is why we can't have the debate. Why can't we have the discussion and then have a vote? Then I either win or I lose, and

we are done. But we don't do that. Apparently, the majority party is not willing to allow Republican amendments.

I have another amendment. This one has bipartisan cosponsorship. I have cosponsors who include Senator COBURN, Senator FLAKE—actually, it is Senator COBURN who introduced it initially. I am a cosponsor. This amendment would eliminate the corn ethanol mandate from the renewable fuel standard.

What is that about? Well, existing law mandates that we take corn, convert it into ethanol, and then the law requires that the ethanol be mixed with gasoline, and we all have to buy it when we fill up our tanks. The Presiding Officer may be aware that we now burn over 40 percent of all the corn we grow in America. Over 40 percent of it, we end up burning in our cars, by turning it into ethanol and mixing it with our gasoline.

There were good intentions when this mandate was initially created. Some people thought it would be good for the environment. It turns out it is not; it is bad for the environment. It is not just me saying this. The National Academy of Sciences, the Environmental Working Group—everybody acknowledges it increases carbon emissions.

Members on the other side of the aisle thought the issue of carbon in the atmosphere—CO<sub>2</sub> releases—was so important they were here around the clock in a dramatic display of political theater to make this case. Well, here is an amendment that would reduce CO<sub>2</sub> emissions because the ethanol requirement increases CO<sub>2</sub> relative to where we would be if it didn't exist.

That is not the only problem with the ethanol mandate. It raises the price of filling our tanks. This is expensive stuff. Having to mix it with ordinary gasoline raises the cost of driving. Everybody has to drive. So not only is it bad for the environment, but it is more expensive for every single family who operates a vehicle.

That is not all it does. Because we are diverting 40 percent of all the corn we grow to our gas tanks, it is not available in our cereals or in the food we feed to livestock, and so food prices are higher than they need to be; they are higher than they would otherwise be because of this mandate.

That is not all. Everybody acknowledges that ethanol has a corrosive effect on engines, so it is doing damage to our engines, which shortens the life of the engines; again, not that big a deal if a person is extremely wealthy and can kind of burn through cars. But for the vast majority of people I represent, cars are a very expensive cost they incur, and having a policy that systematically damages that very valuable asset doesn't make a lot of sense to me.

There is yet another reason. These ethanol mandates can have very dire consequences on some of our oil refineries, and that can cost us jobs, and it

threatens refineries in Pennsylvania. As a matter of fact, I got a letter from a Philadelphia AFL-CIO business manager, a fellow named Pat Gillespie, who wrote to me asking me to try to do something about this, because it is threatening the jobs of the people he represents at the refineries where they work. I will quote briefly from a portion of his letter:

The impact of the dramatic spike in cost of the RIN credits—

That is the system by which the EPA enforces the ethanol mandate—

from four cents to 1 dollar per gallon will cause a tremendous depression in . . . [our refinery's] bottom line in 2013. Of course at the Building Trades, we need [the refineries] to maintain and expand jobs.

He closed by saying: "We need your help in this matter."

I am trying to help. I am offering an amendment which would repeal the corn ethanol mandate, together with my colleagues on both sides of the aisle.

Again, I understand not everybody agrees with this. There are some people who like the ethanol mandate. They think it is a good idea to grow corn to end up burning it in our cars.

Why can't we have this debate? Why can't we have a vote? Why can't we resolve these issues on the Senate floor? But we do not. We spend the whole week waiting and wondering whether we might be allowed to have one or two amendments, only to find out, of course, as usual, we get none.

So another week goes by with nothing productive being done on the Senate floor and legislation that could be a vehicle for a meaningful, robust debate about energy policy in America—I have just given two examples. We have dozens of subjects we could be debating. We did not insist on having all of them. But a handful of ideas? It is shocking to me—shocking that we cannot allow the Senate to function, that Senator REID insists we cannot have an open amendment process.

It is disturbing because, of course, historically this was the body that did exactly that, had the open amendment process, had the open debate. This was the—I am chuckling because it seems so odd now, but historically the Senate was considered the world's greatest deliberative body because we would deliberate. The Senate used to do this. The way it used to operate is the majority party would control the agenda, would decide what was on the floor and that is fair enough—but then, once the majority leader would decide what bill was on the floor, then it would be open for debate, until essentially the body exhausted itself and Members were finished offering amendments, and then we would have a final passage vote. Nothing even remotely similar to that is happening today.

I know a number of my colleagues, including the distinguished Presiding Officer, have served in the House. It is unbelievable to me that now, for an extended period of time, the House is

having much more robust debate and far more amendment votes, by both the majority and the minority party, than we are permitted to even consider in the Senate. This is a sorry state of affairs.

It has been 7 years since the last debate on energy policy. An energy efficiency bill has come to the floor, and energy efficiency amendments are not permitted to have a discussion or a vote. That is what the Senate has come to.

I urge my colleagues and urge the majority party, in particular, which controls this body, and urge the majority leader: Allow the Senate to function. Allow us to actually have a debate. Allow us to have some amendments. It is actually not that excruciating to have a vote, and in a matter of a very short period of time, we could mow down lots of amendments and move on to the next important piece of legislation.

Energy is a very important issue for our country, for our economy, for every consumer, and it deserves to have a more serious consideration than it is getting.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold his request.

Mr. TOOMEY. I withhold my request.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the comments of my colleague and friend from Pennsylvania and the discussion of why we are here on a late Thursday afternoon.

We started off the week with an air of optimism that with the energy efficiency bill before us, we could get to that place where we could be debating substantive issues of the day. As my colleague has noted, we have not seen a real energy bill on this floor now for 7 years. When we think about the energy landscape in this country and what has happened in 7 years' time—7 years ago, we were looking to build import terminals to receive LNG. Now we are debating—or hoping to debate—the export of our LNG.

I have kind of put a target on my back, if you will, and said: Let's talk about what is happening with our oil potential in this country and our opportunity as a nation to export our oil, given that next year we will actually be producing more oil in this country than the county of Russia, than Saudi Arabia, but that is going to require some debate, some discussion, some policy considerations.

If we cannot even get to the point where we can move forward on an energy efficiency bill, how are we ever going to advance some of these policy initiatives when it comes to our natural gas, when it comes to our oil or how we might be able to deal with issues such as nuclear waste, where, quite honestly, until we can resolve these issues, they are going to be holding back our opportunity to advance in



these areas. How are we going to build out the potential in this country for our renewables and how we integrate them into an outdated system? There are so many policy issues we have to talk about.

So when people suggest all we want to do is talk about energy, I am one Senator who would love to do a lot of talking about energy. I would also like us to be able to legislate on energy initiatives. I would like us to update some of our energy policies, because as times have changed, unfortunately some of our laws have not.

My colleague from Pennsylvania has mentioned there was a time when we would have substantive debate. Take that back to the Energy bills that were before us when I first came to the Senate back in 2003. We took up an energy bill at that time that was on the floor, I know, for multiple weeks; it may have been multiple months.

On July 25, 2003, we resumed consideration of the Energy bill. We had a unanimous consent agreement at that time that more than 370—370—remaining amendments would be in order.

Now, 2003 may seem like a long time ago for some, but for me it seems like just yesterday. Thinking about that, it is like: Wow. We were able to come to a UC on 370 amendments.

If we go back to the Energy Policy Act, if we look at the amendment log, it shows that more than 130 amendments from Senators of both sides of the aisle were considered.

I think it speaks to the issues that were at play at the time. We are still basing most of our energy policy, of course, on those 2005 and 2007 energy acts.

I think it is important to recognize that when it comes to something as significant as our energy policy in this country, the debate is worthy, the debate is important, and legislating on these issues is critically important.

I know there are conversations yet underway as to whether an amendment opportunity will be made available, whether the four or five amendments the Republicans have offered that are being considered by the majority leader and the bill's sponsors of ShaheenPortman, whether we will be able to reach a fair consideration for the processing of those amendments. I would certainly hope we are able to do just that.

The energy efficiency bill, as I noted in my comments the day before yesterday, is good, sound policy. It is an important leg in the energy stool. When we talk about our energy resources and what we have available domestically, what we are able to be producing—whether it is our fossil fuels, whether it is our renewable fuels, whether it is other alternatives—the recognition is that our most readily available energy source is the one we do not waste. If we can be more efficient, if we can do more when it comes to conservation, this benefits all of us.

So let's figure out how we can move an energy efficiency bill. This is round

No. 2 for us. Let us not allow the process to bog down a good bill and a bill that deserves to not only pass this body but to be worked through the body on the other side and to ultimately be signed into law by the President.

I want to start work. I want to be legislating. I also recognize this has been a difficult time for us all right now. We are not seeing a lot of legislation moving through this Senate, but I have been trying to use the time I have, as the ranking member on the energy committee, wisely, trying to focus on those areas where we can critically examine the energy policies we have in place and how we might refresh, how we might reimagine the energy architecture we have.

Last year I released a pretty major report. We called it "Energy 20/20." It is a blueprint that kind of lays out my view of a sound, robust energy policy. I did not want a report that had taken a lot of time and energy and effort and love and passion to just sit on somebody's desk, so we have been working in this past year to flesh out some of the details we outlined in the blueprint.

I have released now four separate white papers stemming from "Energy 20/20." The first one was on LNG exports. The second was on energy exports generally but also focusing on the specific issue of the prospect for oil exports. We released a very well-received white paper on electric reliability, and then earlier this week I had an opportunity to release a white paper on the nexus between energy and water. All of these are available on the energy committee's Web site.

I have given speeches on the floor. I have addressed small groups, large groups, basically anybody who will listen, not only in my State of Alaska but around the country. My colleagues and those who have been listening have heard me say multiple times that what I am looking for, what I am hoping for, what I am trying to build are laws and policies that will help us access our energy resources to be able to have a policy that says our energy should be abundant, affordable, clean, diverse, and secure.

I joke about it and say there is no acronym for that, but I have arranged it alphabetically so you can remember it.

But when you think about these five components, when you incorporate these all together—abundant, affordable, clean, diverse, secure—it makes pretty good sense.

I think the effort we have engaged in, in the energy committee, has been a worthwhile effort, and I hope this broader conversation will forge consensus on what I think we recognize can be some tough issues.

I have been working hard, even though we are not moving a lot of bills through the floor right now, to try to advance the conversation on so many of these issues I think are a priority.

#### THE NEXUS BETWEEN ENERGY AND WATER

I would like to take a few minutes this afternoon to speak about the most recent white paper I have released, and this is on the connection or the nexus between energy and water. I mentioned I had an opportunity to present this on Tuesday at the Atlantic Council here in Washington. It is entitled, "The EnergyWater Nexus: Interlinked Resources That Are Vital for Economic Growth and Sustainability." It is a very timely subject, very relevant to the current discussion of measures we can take to support energy efficiency.

I think it is apparent, but it certainly bears repeating, that there are clear links between energy and water and water and energy. These fall into two categories. It sounds kind of simple, but it is water for energy and energy for water. Without water much of our energy—electricity included—cannot be produced. Our economy literally comes to a halt. Without energy—and particularly electricity—the treatment, the transport, the distribution of water does not function either. That all seizes up as well.

So we have water and energy just inextricably linked, and I think it is important to acknowledge that the continued availability and reliability should not be taken for granted. I think sometimes this is the part we fail to keep in perspective.

We are talking a lot about energy right now, but as we talk about energy, let's talk about how that energy source intersects with water. In an effort to produce this energy, how much water are we consuming? In an effort to use that water, how much energy is being consumed to move or treat? So, again, the nexus is tight.

When it comes to water-for-energy, an interesting statistic is that about 41 percent of our freshwater withdrawals in the United States are attributed to cooling the vast majority of our powerplants. This also consumes about 6 percent of our freshwater. Water is also routinely needed to produce the various energy resources we rely on, whether it is oil, coal, gas, or uranium. According to the Congressional Research Service, the production of biofuels has the highest water-intensity value, requiring 1,000 times more water than conventional natural gas. So, again, understanding the intensity is important as we talk about our energy resources. Altogether, more than 12 billion gallons of freshwater are consumed daily for the combined production of fuels and electricity across the country.

Turning to energy-for-water, one study on a national scale found that direct water-related energy consumption amounted to more than 12 percent of domestic primary energy consumption in 2010. That is equivalent to the annual energy consumption of about 40 million Americans.

We are seeing new technology, and we are seeing that really with the potential to provide a paradigm shift. But

from today's vantage point, a steady population increase and the resource needs of a modern economy could make freshwater a limited resource in many parts of the country. We are certainly seeing that out in the West. Severe droughts in California and for that matter across most of the Western United States only serve to underscore the risks. Out West, of course, hydroelectric power is a major contributor to clean and cost-effective electricity generation, particularly in Washington State, Idaho, and Montana. So if rivers and reservoirs are running low, this power-generation capacity is at risk.

I believe the recent and rapid expansion of our domestic energy production is very good for our Nation, particularly the growth in unconventional oil and gas production. What we have seen is that it has created jobs, it has generated revenues, it has revived local economies, and it really does wonders for our energy security. As I mentioned, the United States is now producing and exporting more energy than ever before. Our net energy imports are at a 20-year low. They are projected to fall below 5 percent of total consumption by 2025.

With many new wells located in regions that have already experienced some water shortages, we are seeing producers who are moving in a direction to help ensure that there is going to be sufficient water available for both the work they are doing and other regional needs. New technological advancements and new methods to maintain a balanced use of freshwater resources have been continuously emerging.

I think it is important to recognize that folks are appreciating that you can't count on an unlimited supply of this water resource. Utilizing our technology to be smart, to be efficient, is going to put everyone in better stead.

Even in the case of conventional power generation stations, technological innovation and advances can assist in reducing—if not eliminating—the overall amount of water that is required for cooling purposes. But, again, the key is technology. Continued research and development is at the heart of innovation and advancement.

The questions that are appropriate to ask are what can we do to ensure an adequate supply of water and how can we responsibly minimize the amount of water that is used for energy and then also energy for water? Conservation, of course, can help reduce demand for both water-for-energy and energy-for-water activities, but we have to recognize that it can only go so far. As I just mentioned, innovative energy and water use strategies, coupled with advanced technologies, are equally important when trying to optimize our limited supplies.

I have called on all stakeholders in the private sector as well as in government to support R&D and demonstration of new technologies that can really work to reduce our energy and water consumption.

Again, talking about the bill that is on the floor—energy efficiency—everything we can do to reduce our energy consumption as well as our water consumption is all good. It is all good.

The genesis and sustainability of such efforts are highly reliant on open and continuous information exchange between the parties. I have suggested that the Federal Government not only can but should facilitate this exchange of information on a national and international scale. It can do that by forming genuine partnerships with the stakeholders—including industry, utilities, and academia—and teaming up to advance a better understanding of the energy-water nexus, adopt better practices through technological innovations, and really learn from one another about the procedures and implementation strategies.

This dialogue should also include international perspectives on the energy-water nexus, utilizing the experience and expertise from around the world. We have seen technological advancements and great work going on in Australia, the Gulf countries, Israel, and Singapore. The development of new and improved technologies can answer the needs of both the domestic and international energy-water markets. This could mean opportunities for job creation—good jobs—in high-tech, R&D, and manufacturing.

What I am advocating with this white paper and the proposals out there is really better planning and better collaboration. I am not looking for a top-down approach. I am not looking for more binding rules or mandates. I am certainly not advocating for the forceful implementation of any new policies or directives to use certain technologies. The adoption of best practices should always be on a voluntary basis.

But having said that, I do believe that if we can demonstrate savings and demonstrate efficiencies from new technologies and better resource management approaches, the stakeholders are going to figure this out, and they are going to say this is a win-win for their own bottom line. This makes sense for their customers. It is good to advance.

Along these lines, I have introduced energy-water legislation with Senator WYDEN. We introduced it in January. Our bill is the Nexus of Energy and Water for Sustainability Act—we call it the NEWS Act—and it features some plain old commonsense policy improvements. What a concept.

Just think, in more ordinary times perhaps I would have even introduced the proposed NEWS Act as an amendment to the bill we have before us. But what we have—S. 971—is a short bill, a simple bill that directs the Office of Science and Technology Policy to establish a committee or a subcommittee under the National Science and Technology Council to coordinate and streamline the energy and water nexus activities of our Federal departments

and agencies. We are asking this panel—which would be chaired by the Secretaries of Energy and Interior, and representatives would be brought in from these and other agencies—to identify all relevant energy-water nexus activities across the Federal Government—because we know it is just a huge spaghetti mess here—and work together and disseminate the data to enable better practices and explore the relevant public-private collaboration. We also call for OMB to submit a cross-cut budget that details these Federal expenditures related to energy-water activities. What we are looking to do is to streamline these efforts not just to save water, not just to save energy, but to save taxpayer dollars.

It is good. It is sensible. I think it is a rationed approach. I would like to be able to legislate on this, and I hope we will get to that point where we are beyond the energy efficiency bill, the Shaheen-Portman bill we have been trying so hard to work to advance not only this week but for years now; where we are beyond arguing over whether we are going to be able to move on some amendments; where we will take up with great energy and enthusiasm—pun intended—these initiatives that will help our Nation to be more productive, to be more energy secure, to have a stronger national security, and to have energy policies that are current and sound.

I am one who tries to get up every morning optimistic, glass half full, and I want to believe we will work out an arrangement so that we can have a fair amendment process that allows Republicans to offer a small handful of amendments to be debated and voted on, that will allow us to move an energy efficiency measure that is important to our energy policy and to demonstrate that perhaps we can do a little bit of legislating, a little bit of governing, and advance the cause.

I yield the floor.

The PRESIDING OFFICER (Ms. HEITKAMP). The Senator from Utah.

Mr. HATCH. I ask unanimous consent that my remarks be placed in an appropriate place in the RECORD and that I be able to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Before I begin, I would like to take a moment to address some proposals we have been hearing about in the tax space.

#### CORPORATE TAXATION

Some of us—myself included—were very concerned to hear the other day that a very big American corporation announced plans to merge with a somewhat smaller but still large UK corporation and then have the combined entity domiciled in the United Kingdom. Apparently, a desire to escape the high U.S. corporate tax was part of the motivation for the merger. This type of transaction where a U.S. corporation escapes the U.S. tax net is sometimes referred to as an inversion.

Broadly speaking, there are two different ways to address the problem of

inversions. The first way is to make it more difficult for a U.S. corporation to invert. Just today we have read accounts of Members of Congress who propose doing just that. The second way is to make the United States a more desirable location to headquarter one's business. I believe the latter is by far the better way. That would mean lowering the corporate tax rate and having a more internationally competitive tax code.

Under current law, U.S. corporations are taxed on their worldwide income, but foreign corporations are subject to tax only on income arising from the United States itself. In other words, we subject our own corporations to a worldwide tax system, while subjecting foreign corporations to a territorial tax system. It is strange that the U.S. Government treats foreign corporations more favorably than American corporations, but that is, nonetheless, what we do.

There is a danger, if the relatively unfavorable treatment of American companies is ratcheted up—which seems to be the effect of some of these anti-inversion proposals—that American companies will become even more attractive targets for takeover by foreign corporations.

I don't know when my liberal friends will catch on and realize that some of their approaches are just downright idiotic.

As important as it is to get the corporate tax rate down, no matter how low we get the rate, we still need to replace our antiquated worldwide tax system. Instead of imposing arbitrary inversion restrictions on companies retroactively and thereby further complicating the goal of comprehensive tax reform, we should first keep our focus on where we can agree. By uniting around the goal to create an internationally competitive tax code, we can keep American job creators from looking to leave in the first place.

Successful tax reform can help reverse the trend and cause more businesses to locate in the United States, bringing more jobs to Americans. Make no mistake. The trend is alarming. Just look at the number of U.S.-based firms, ranked by revenue, in the global Fortune 500 over the past decade, and you will see a significant decline in the number. That, of course, means a lower tax base for the United States.

When are these people going to catch on?

As I just said, tax reform can be used to reverse that trend, make the United States an attractive place to locate businesses and global headquarters, and provide a base for more jobs in America.

As the ranking member of the Senate's tax-writing committee, that is where my focus is, and I will work with anyone, Republican or Democrat, to achieve that goal.

It is ridiculous the ways some of our people in this government believe we can solve this problem by making it

even more intrusive on businesses, even more onerous and burdensome, and by thinking they can force businesses to live in accordance with antiquated rules.

#### EXECUTIVE OVERREACH

Madam President, I rise to defend, on a separate matter, the separation of government powers enshrined in our Constitution and the lawful prerogatives of the Senate, in which I have had the privilege and honor of serving now for nearly 38 years.

Just last week I spoke from this podium about the Obama administration's blatant disregard of its constitutional obligations and in particular about how ideological devotion and political expediency have again and again trumped the President's sworn duty to uphold the law. In the short time since then, the White House has provided yet another egregious example of its willingness to disregard clear legal obligations in favor of playing partisan politics.

Just days ago we learned the Obama administration withheld particularly significant information from disclosure to Congress, despite a lawfully issued subpoena, during a House committee's investigation of the September 11, 2012, terrorist attack on the U.S. mission in Benghazi, Libya. One of these documents, an email from a senior White House official, casts serious doubt about a number of the administration's key assertions about the explanations it offered Congress and the American people regarding the cause and nature of those attacks.

There are many important questions about Benghazi to which the American people deserve answers; questions about how and why brave Americans died in this terrorist attack, four brave Americans; questions about the circumstances under which our Nation lost its first Ambassador in the line of duty in more than a generation; questions about how the Obama administration advanced an admittedly false but politically advantageous narrative about the attack during the home stretch of a heated election campaign.

I appreciate the efforts of my colleagues both in this body and in the House of Representatives in seeking a fair and thorough investigation of this matter. What compels me to speak out goes beyond the substance of this particular investigation, as critically important as that is. I am deeply troubled by the Obama administration's utter disregard for essential legal and constitutional obligations. This lawlessness is made manifest in many different forms.

I wish to discuss this administration's long pattern of obstinacy in responding to congressional investigations and how this abuse has become the latest front in a vital struggle against sweeping executive branch overreach that has characterized President Obama's term in office.

Congress's investigation into the Benghazi terrorist attack should have

been and could have been a collaborative endeavor aimed at discovering the truth. Indeed, President Obama publicly proclaimed he was "happy to cooperate in ways that Congress wants" and promised that his administration would share with congressional investigators all information connected to the administration's own internal review. Secretary Kerry likewise pronounced and promised "an accountable and open State Department" that would provide truthful answers about all circumstances relating to the Benghazi attack.

Unfortunately, the Obama administration has been anything but open and accountable, nor has the White House and/or the State Department shown much willingness to cooperate in a constructive fashion with congressional investigations into the matter. Instead, this administration has repeatedly rejected document requests from several congressional committees, broadly asserting its unwillingness to turn over whole swaths of relevant material.

When congressional investigators responded with subpoenas, creating clearly defined and legally binding obligations for the administration to comply, Obama officials have continued to resist and in some cases have refused to disclose entire categories of critical documents.

Throughout the investigation this administration has consistently employed a strategy of minimal compliance. In many instances, executive officials have heavily redacted the limited range of documents the administration has in fact disclosed or forced congressional investigators through the cumbersome and perhaps unnecessary process of examining documents they insist must remain in the administration's possession. Such methods, when reasonably employed, have historically allowed the executive and legislative branches to make mutually acceptable compromises, establishing arrangements that allow Congress access to the information it needs but enable the administration to protect legitimate interests and confidentiality.

Instead, President Obama and his subordinates have taken these tactics to the extreme, creating an unmistakable impression the administration has something to hide. How could anybody look at what they are doing and not realize that is what they are doing. At the very least, it is clear that executive officials have deliberately slow-walked this important congressional inquiry.

Indeed, the administration has managed to drag its feet and frustrate congressional investigators for more than 1½ years since the Benghazi attack, limiting and delaying compliance for over 1 year since the first subpoena was issued.

The Obama administration's most recent abuse—a particularly egregious act—has been its long delay in releasing emails that were clearly responsive

to an earlier congressional subpoena. The administration only provided Congress these emails in mid-April after disclosing them as part of compliance with an outside group's Freedom of Information Act request, even though the emails were undeniably relevant and responsive to a lawful congressional subpoena, a subpoena issued in the summer of 2013, 7 months earlier.

This is the second time the Obama administration has simply passed on to Congress documents it has previously released to media and watchdog groups, a weak attempt at complying with a congressional subpoena. Now, that is an administration out of control, an administration not living up to the laws, an administration that is ignoring legitimate inquiries of the Congress, and an administration that seems to think it can get away with anything. More important, this episode demonstrates the careless and intentionally evasive approach the administration has taken in responding to congressional subpoenas. A simple FOIA request turned up multiple documents the administration admits are covered by a prior congressional subpoena and therefore should have been disclosed months earlier.

While the executive branch is obviously obliged to take all lawful requests seriously, it is outrageous this administration would treat a routine FOIA request from a private party with more care and serious attention than a lawfully issued subpoena from a coordinate branch of the Federal Government. I might add a coequal branch of the Federal Government, the Congress of the United States.

I wish I could say the Obama administration's conduct and the investigations into the Benghazi attack represented an anomaly, a unique instance in an otherwise respectful record of good-faith efforts to cooperate with congressional investigations and to respect Congress's legitimate authorities. Unfortunately, that simply isn't the case. Instead, we have experienced a pattern of obstruction, repeated instances of bad faith in responding to lawful information requests and subpoenas, and a fundamental disrespect of the laws and norms underlying the Constitution's separation of government powers.

We have all witnessed such abuse in this administration's handling of other high-profile investigations, such as the botched gun-walking exercise in Operation Fast and Furious. We routinely observe such hostility in more ordinary matters, as this administration regularly delays and often refuses to provide answers or produce information to Members of Congress.

As the ranking member of the Senate Finance Committee, I see this all the time, whether it is the refusal of the Treasury Department to explain how it deals with its statutory debt limit or the failure of the Department of Health and Human Services to respond to even the simplest questions about

ObamaCare implementation. We see this hostility most transparently when the administration openly challenges the legitimacy of congressional investigations and when administration officials display outright contempt for proper lines of congressional inquiry.

None of this is to say that some assertions of executive privilege are not reasonable or even valid. Past administrations have often asserted privilege claims before Congress, and sometimes—sometimes—they have done so aggressively. This area of law has relatively few judicial precedents. It is largely defined by past practice in which the distinction between legal requirements and prudential interests is often quite blurry. As such, we can expect some legitimate disagreement as to whether particular claims of executive privilege are within the bounds of reasonableness.

But fundamentally the text and structure of the Constitution enshrines a congressional right—and establishes a congressional duty—to investigate executive branch activities. That is how through the years we have kept administrations straight. It is a very important part of our job on Capitol Hill.

Judicial precedents—as well as established practice between the legislative and executive branches stretching all the way back to the investigation of the St. Clair expedition under President George Washington in 1792—also affirm the rightful authority of Congress to require Presidential administrations to produce information in response to congressional requests.

Since the great constitutional clashes of the Watergate period, specific and binding precedents have detailed the requirement that administrations must seek to accommodate congressional information requests made in good faith, subject to adjudication by Federal courts. The Obama administration's actions clearly fall short of these basic obligations. Its abysmal record—highlighted most recently in the Benghazi email controversy—has demonstrated that executive officials are not acting in good faith to comply with legitimate congressional inquiries.

The administration's public efforts to delegitimize congressional investigations endangers not only the relationship between the current White House and this Congress but more fundamentally undermines the separation of government powers by attacking one of the most important checks on executive overreach.

The administration's expansive justifications squarely contradict the Supreme Court's command in *United States v. Nixon* that “exceptions to the demand for . . . evidence are not lightly created nor expansively construed, for they are in derogation of the search for truth.”

Even more troubling, the Obama White House has even attempted to undermine our congressional investigatory power at its core. This isn't hyper-

bole. The current administration actually had the audacity to argue in Federal court that a committee of Congress was categorically barred from asking the judiciary to enforce a subpoena that the executive branch had defied, a course of action implicit in the structure of our Constitution, demanded by the Supreme Court's jurisprudence, and recognized by courts for decades.

Thankfully, one of President Obama's own judicial appointees roundly rejected this astonishing claim, but that should give Members of this body very little comfort. By challenging the very authority of Congress to investigate executive abuses, by challenging the obligation of a Presidential administration to accommodate congressional inquiries in good faith, and by challenging the power of Federal courts to resolve such disputes, the Obama administration's actions represent a serious threat to our constitutional structure.

Indeed, this particular effort to undermine essential institutional checks and balances is part of a broader pattern of executive abuse—one that includes the Obama administration's disregard for its obligations to enforce the law, its actions to exceed legitimate statutory authority, its attempts to defy specific requirements of duly enacted law, and its efforts to usurp legislative power from Congress.

I spoke at length last week about many such abuses of executive power by the Obama administration. I will continue to do so because I believe keeping the exercise of executive authority within lawful bounds is essential to the legitimacy of our government and to the liberties of our citizens. I recognize that doing so will require continual vigilance—by the courts, by the American people, and by those of us who serve in Congress.

This latest episode with the Benghazi emails—as well as the President's new pen-and-phone strategy—demonstrates quite clearly that the Obama administration has not shown any signs of relenting in its executive overreach.

This unprecedented pattern of executive abuse comes from a President who promised unprecedented transparency and who regularly criticized his predecessor's use of executive power, including in the context of executive privilege.

The administration's actions demand a redoubling of Congress' investigative efforts. I urge the majority leader to join the House to form a joint select committee on the Benghazi terrorist attack and its aftermath.

I know many of my friends on the other side of the aisle—not to mention the Obama administration itself—have convinced themselves that this investigation is simply a partisan exercise, apparently prompting them to ignore the institutional struggle between Congress and the Executive.

I just wonder: What would have happened had Robert C. Byrd been our majority leader, as he was for so long? He

would not have put up with this for 1 minute. He would have asserted this institution's authority and this institution's responsibility—Congress' responsibility, if you will—to get to the bottom of this.

I served on the Iran-Contra special committee. It is not a bad thing for us to investigate an administration that appears to be out of whack, appears to be ignoring the basic tenets of the law, and appears to be hiding information from the public. Forget the public right now. How about the Congress? It is hard to respect an administration that acts like this.

We should be eager to get to the bottom of the circumstances surrounding the Benghazi attack, and my friends on the other side ought to quit trying to protect the administration when they know these are serious charges. These are serious matters. We have an obligation to get to the bottom of it, and let the chips fall where they may. There were four deaths here of heroes.

All the Members of this esteemed body—whether Democrat or Republican—should demand that Congress' institutional prerogatives are preserved and defended.

As members of the legislative branch, we have the fundamental right—and the accompanying duty—to exercise a lawful oversight function. When any Presidential administration engages in extreme resistance and demonstrates an unwillingness to cooperate with legitimate congressional investigations, we all—not just people on this side—have an institutional obligation to defend our rightful constitutional prerogatives.

These executive abuses matter. The Obama administration has clearly and consistently overstepped its authorities and ignored its obligations under our Constitution and Federal law. This overreach threatens the rule of law, and it undermines the governmental checks and balances necessary to secure our liberties as Americans.

President Obama promised unprecedented transparency that would restore trust and confidence in government. But his administration's lawless actions have heightened the need for more robust and effective congressional oversight.

As even a liberal Washington Post columnist opined earlier this week, "The Obama White House can blame its own secrecy and obsessive control over information" for the heightened scrutiny of its questionable activities.

Oversight investigations are a critical tool that Congress must use effectively to promote government accountability. The Obama administration's escalating strategy of stonewalling, even to the point of ignoring legal obligations and longstanding norms, now threatens our rightful role in calling the executive branch to account.

Indeed, the basic assumption that underlies the Constitution's plan of government, as James Madison explained in Federalist 47 and 51, is that:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. . . . But the great security against a gradual concentration of the several powers in the same department, consist in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others.

The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition.

As Madison explained, it is incumbent upon each of us to insist on Congress' right and duty to investigate the executive branch, and to ensure that the administration abides by the most basic—the most fundamental—requirements of our constitutional system.

We owe the American people—not to mention the families of those who perished—a meaningful investigation of the Benghazi attack, not just to find answers to remaining questions but to affirm that this is still a Nation of laws and that the people's elected representatives are still capable of pursuing the truth and holding the executive branch accountable for its actions.

This is a matter of great concern to me, and I am sure it is to a lot of people who are starting to realize that there is a stonewalling like we haven't seen since Richard Nixon.

I don't know that the President has done this personally. I hope not. But he has to look into it.

If he doesn't, then I think it is up to the majority in this body to hold the administration to account, with the help of the minority, and to not have them ignore, disregard, and treat with contempt the rightful oversight that we have an honor and an obligation to do up here. This is really a very serious set of problems as far as I am concerned. I hope the President will get after his people down there.

I think one of the problems is we have a lot of young people in the White House right now who haven't had the experience. On the other hand, some of these things are so deliberate that we can't blame it on lack of experience. These folks know and the people in the Justice Department know. To have withheld these emails the way they did, knowing they were crucial to any investigation, is something we should not tolerate here in the Senate.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning busi-

ness, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO PAT BELL

Mr. McCONNELL. Madam President, I rise today to honor an upstanding citizen from my home State, the Commonwealth of Kentucky. Pat Bell grew up in the heart of Appalachia and has spent his life working to better the region and the lives of those who call it home. The Lake Cumberland Area Development District will honor him on May 22 when they name their office building The Pat Bell Building.

Patrick R. Bell was born and raised in McCreary County, Kentucky. Pat was always passionate about helping others, and once he finished his own education he began teaching in the McCreary County school system, rising to the position of school superintendent in the 1960s.

Following his tenure as superintendent, Pat was selected to be the Lake Cumberland Area Development District's first executive director. In this capacity Pat was able to increase the quality of life in the region by organizing infrastructure projects and developing initiatives to increase economic activity.

Pat left the LCADD after 12 years at the helm, but he never lost his desire to serve. In fact, his success at the LCADD led to his next post as the Director of the Lake Cumberland District Health Department. Pat served as director from 1982 until his retirement in 1994, during which the Lake Cumberland District Health Department expanded from five member counties to 10.

His retirement was short lived, however. Never one to turn down an opportunity to serve his community, Pat accepted an appointment to become mayor of Columbia, KY. He then ran for, and won, a second term, which expired in 2010. Although he is once again in retirement, his friends and family know him too well to rule out the possibility of future public service.

Pat Bell's seemingly unlimited capacity to serve others is an inspiration for us all. He truly has a servant's heart, and I ask that my Senate colleagues join me in honoring him today.

#### TRIBUTE TO JIM SHARPE

Mr. McCONNELL. Madam President, I rise today to honor the long and distinguished career of Jim Sharpe. Now retired, Mr. Sharpe opened his first business in Somerset, KY, in 1947. Since that time he's opened several more, pioneered the houseboat business, and has become an irreplaceable fixture in his community.

Lake Cumberland is known by many as the "houseboat capital of the world"—a designation that is owed in no small part to Jim Sharpe. Jim was one of the first to pioneer the industry—building his first houseboat in